

February 12, 2009

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **L07P0011**
Proposed Ordinance No. **2008-0428**

GLENDELLE PLAT
Preliminary Plat Application

Location: East side of 124th Avenue Southeast south of Southeast
202nd Place, east of Renton and Kent

Applicant: Glendelle, LLC
represented by **Loyd Wade**
Steve Jensen Homes
1230 Fryar Avenue
P.O. Box 1468
Sumner, Washington 98390
Telephone: (253) 826-7701
Facsimile: (253) 826-6475
Email address: stevejensenhomes.com

King County: Department of Development and Environmental Services
represented by **Kim Claussen** and Alex Perlman
900 Oakesdale Avenue Southwest
Renton, Washington 98055
Telephone: (206) 296-7167 and (206) 296-7222
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alex.perlman@kingcounty.gov

SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to revised conditions

EXAMINER PROCEEDINGS:

Hearing Opened:	December 11, 2008
Hearing Continued:	December 11, 2008

Procedural Note: King County Fire District No. 37 filed an appeal of the Determination of Nonsignificance (DNS) issued by DDES for the proposed action (the subdivision development) on August 15, 2008. Pursuant to a mitigation agreement between the Fire District and the Applicant, the District withdrew its appeal on November 21, 2008. The DNS therefore stands as issued.

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner/Developer:	Glendelle LLC c/o Steve Jensen Homes PO Box 1468 Sumner, WA 98390
Engineer:	Pacific Engineering Design LLC 15445 53 rd Avenue South, Suite 100 Seattle WA 98188 425-251-8811
STR:	SE 04-22-05
Location:	Generally located on the east side of 124 th Ave SE and south of SE 202 nd Place, east of Renton and Kent
Zoning:	R-6
Acreage:	2.5 acres
Number of Lots:	15
Density:	Approximately 6 units per acre
Lot Size:	Approximately 3,600 to 5,700 square feet in size
Proposed Use:	Single Family Detached Dwellings
Sewage Disposal:	Soos Creek Sewer & Water District
Water Supply:	Soos Creek Sewer & Water District
Fire District:	King County Fire District No. 37
School District:	Kent School District No. 415
Application Completeness:	July 30, 2007

2. Except as modified herein, the facts set forth in the DDES reports to the Examiner and the DDES and King County Department of Transportation (KCDOT) testimony are found to be correct and are incorporated herein by reference.
3. The subject property lies in the unincorporated area east of Renton and Kent and is a rectangular 2.5-acre parcel with frontage on the east side of 124th Avenue Southeast just south of its intersection with Southeast 202nd Place. The surrounding area is undergoing urbanization from formerly large lot suburban and semi-rural residential parcels to standard suburban densities of

detached single-family residences. In addition, the Kentridge High School campus lies directly south and southeast of the property. A single-family residence is located in the west central portion of the site and a couple of outbuildings to the east. (The buildings are intended to be removed.)

4. The property lies within the Soos Creek drainage basin. The topography descends generally gently, from southeast to northwest. No defined critical areas such as wetlands or streams are located onsite or in the immediate proximity. (In particular, there is no requirement of critical area buffers within the proposed development.) The site is graced with scattered areas of perimeter and spaced interior groupings of mature conifer in the central and north central portions. Otherwise, the property is vegetated with cultivated landscaping in the area of the residence.
5. Applicant Glendelle, LLC proposes subdivision of the property into 15 lots for detached single-family residential development and separate tracts for private access drives/joint use driveways, storm drainage detention and recreation/open space. The proposed recreation facility location is sufficiently central and meets the locational requirements of county code. Vehicular access into the site would be provided by the extension of a winding public road extending easterly from the 124th Avenue Southeast frontage and then curving south to end in a cul-de-sac terminus in the south central portion.
6. Onsite surface water runoff will be conveyed to a water quality and storm detention tract (Tract A) in the northwest corner of the property. Detention and water quality functions are intended to be provided by provision of an open pond. Conveyance from the pond discharge will be to a culvert in the east side of 124th Avenue Southeast, from which flow then runs north under Southeast 202nd Place in an enclosed system and then east and northeast through the plats of *Sherlyn Park* and *Linda Crest*, then to a tributary to Soos Creek approximately one quarter mile downstream. Initial analysis identified downstream drainage complaints, but further investigation noted the absence of recent flooding and apparent correction of previous problems. DDES has concluded that the normal application of the Conservation Flow Control standard specified by the 2005 Surface Water Design Manual (SWDM) will provide adequate development drainage mitigation.
7. Traffic impact mitigation is provided via the standard reviews under Title 14 KCC and imposition of Mitigation Payment System (MPS) fees in the recommended conditions.
8. Existing pedestrian facilities are sufficiently in place along the logical school pedestrian routes to respective public schools to provide safe walking conditions for resident schoolchildren.
9. Urban water supply and sanitary sewer service are certified as available to the development by the Soos Creek Water and Sewer District.
10. Neighboring property owners expressed concern about the potential for damaging windthrow of onsite trees left unstable in the development construction. The Applicant indicated acceptance of a general condition requiring review of tree stability during construction plan review, if any mature trees are retained onsite. (Chapter 16.82 KCC or other regulation may require significant tree retention and/or replacement; assessment will occur during construction plan review.)

CONCLUSIONS:

1. The proposed subdivision, as conditioned below, would conform to applicable land use controls. In particular, the proposed type of development and overall density are specifically permitted under the R-6 zone.
2. If approved subject to the conditions below, the proposed subdivision will make appropriate provisions for the topical items enumerated within RCW 58.17.110, and will serve the public health, safety and welfare, and the public use and interest.
3. The conditions for final plat approval set forth below are reasonable requirements and in the public interest.
4. The dedications of land or easements within and adjacent to the proposed plat, as shown on the revised preliminary plat submitted on July 8, 2008 (exh. no. 7), or as required for final plat approval, are reasonable and necessary as a direct result of the development of this proposed plat, and are proportionate to the impacts of the development.

DECISION:

The preliminary plat of the *Glendelle* subdivision, as revised and received July 8, 2008 (exh. no. 7), is approved subject to the following conditions of approval:

1. Compliance with all platting provisions of Title 19A of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification or shall be shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environment Services.

Any/all plat boundary discrepancy shall be resolved to the satisfaction of DDES prior to the submittal of the final plat documents. As used in this condition, "discrepancy" is a boundary hiatus, an overlapping boundary or a physical appurtenance which indicates an encroachment, lines of possession or a conflict of title.

4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 15753.
5. The applicant shall obtain documentation by the King County Fire Protection Engineer certifying compliance with the hydrant location and fire flow standards of Chapter 17.08 KCC.

Any future residences constructed within this subdivision are required to be sprinkled NFPA 13D unless the requirement is removed by the King County Fire Marshal or his/her designee. The Fire Code requires all portions of the exterior walls of structures to be within 150 feet (as a person would walk via an approved route around the building) from a minimum 20-foot wide,

unobstructed driving surface that is not over 150 feet in length if dead-end. Vehicles parked on roadway surfaces or within the cul-de-sac are an obstruction.

To qualify for removal of the sprinkler requirement the curb-to-curb driving surface of the roadway within the proposed subdivision has to have a minimum curb-to-curb width of 36 feet if parking is permitted on both sides of the roadway; or 28 feet if parking is allowed on only one side. The driving surfaces of Tracts C and D must also be a minimum of 20 feet in width. Additionally, the fire hydrant requirements outlined below must be met.

A separate permit is required for the installation of water mains and/or fire hydrants. Submit three (3) copies of drawings and specifications to DDES Building Services Division Permit Service Center for a permit application. Review and approval by Fire Engineering Section is required prior to installation. Plans shall include, but are not limited to; pipe sizes, pipe type, valves/fittings, thrust blocks and/or rodding and material listings. Fire hydrants shall be installed per K.C.C. Title 17 Water mains shall be installed and tested per AWWA standards and/or NFPA#24 (STANDARDS FOR PRIVATE FIRE HYDRANTS AND WATERMAINS); as applicable Ref. 1001.4 UFC

6. (Not used)
7. The drainage facilities shall meet the requirements of the 2005 King County Surface Water Design Manual (KCSWDM). The drainage design shall meet at a minimum the Conservation Flow Control and the Basic Water Quality Treatment requirements in the KCSWDM.
8. To implement the required Best Management Practices (BMP's) for treatment of storm water, the final engineering plans and technical information report (TIR) shall clearly demonstrate compliance with all applicable design standards. The requirements for best management practices are outlined in Chapter 5 of the 2005 KCSWDM. The design engineer shall address the applicable requirements on the final engineering plans and provide all necessary documents for implementation. The final recorded plat shall include all required covenants, easements, notes, and other details to implement the required BMP's for site development.
9. The following road improvements are required to be constructed according to the 2007 King County Road Design and Construction Standards (KCRDCS):
 - a. The internal access road (Road A) shall be improved at a minimum to the urban minor access street standard; with a permanent cul-de-sac at the easterly end.
 - b. FRONTAGE: 124th Avenue SE shall be improved to the Urban Collector Arterial Standard, including minimum 22 feet of paving as measured from the right-of-way centerline, concrete curbs, gutters and sidewalks.

This shall include a R/W dedication (shown on the plat submittal received July 8, 2008) of 12 feet – for a total half-street right-of-way width of 42 feet.

The Applicant/contractor, prior to initiation of the construction of the frontage improvements, shall contact King County Department of Transportation to confirm the transfer/salvage of the public art portions of the existing pedestrian handrail.

(Redundancy deleted)

- c. Any proposed joint use driveways or private access tracts shall be improved per Section 3.01 and 2.09 of the KCRDCS. These Tracts shall be owned and maintained by the Lot owners served.
 - d. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.12 of the KCRS.
- 10. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
- 11. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at the final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
- 12. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to the recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
- 13. There shall be no direct vehicular access to or from 124th Avenue SE from those lots which abut it. A note to this effect shall appear on the engineering plans and the final plat.
- 14. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the final plat.
- 15. Suitable recreation space shall be provided consistent with the requirements of K.C.C. 21A.14.180 and K.C.C. 21A. 14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
 - a. A detailed recreation space plan (i.e., location, area calculations, dimensions, landscape specs, equipment specs, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of engineering plans.
 - b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
- 16. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation tract(s).
- 17. Street trees shall be provided as follows (per KCRDCS 5.03 and K.C.C. 21A.16.050):
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.

- b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 2007 KCRDCS, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
- c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
- d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the county has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
- e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
- f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
- g. The applicant shall contact Metro Service Planning at (206) 684-1622 to determine if 124th Ave SE is on a bus route. If so, the street tree plan shall also be reviewed by Metro.
- h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current county fees.

18. If any significant trees are retained onsite in the development, voluntarily and/or by the operation of Chapter 16.82 KCC or other tree retention regulation, evaluation of remaining tree stability shall be conducted during construction plan review.

ORDERED February 12, 2009.

Peter T. Donahue
King County Hearing Examiner

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) ***on or before February 26, 2009.*** If a notice of appeal is filed, the original and 6 copies of a written appeal

statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before March 5, 2009*. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE DECEMBER 11, 2008, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L07P0011.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Kim Claussen and Bruce Whittaker, representing the Department; Loyd Wade, representing the Applicant, and Gordon Hillberry.

The following Exhibits were offered and entered into the record:

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|----------------|------------------------------------------------------------------------------------------------------------|
| Exhibit No. 1 | Department of Development and Environmental Services file no. L07P0011 |
| Exhibit No. 2 | Department of Development and Environmental Services Preliminary Report, dated December 11, 2008 |
| Exhibit No. 3 | Application for Land Use Permits received July 30, 2007 |
| Exhibit No. 4 | SEPA checklist received July 30, 2007 |
| Exhibit No. 5 | SEPA Determination of Non-Significance issued August 1, 2008 |
| Exhibit No. 6 | Affidavit of Posting indicating a posting date of September 7, 2007; received by DDES on September 7, 2007 |
| Exhibit No. 7 | Preliminary plat map received July 8, 2008 (Revision) |
| Exhibit No. 8 | Assessor's maps (SW & SE 4-22-05) |
| Exhibit No. 9 | Level 1 Drainage Analysis by DMP dated June 20, 2007 |
| Exhibit No. 10 | Drainage Analysis by Pacific Engineering dated July 1, 2008 (Revision) |
| Exhibit No. 11 | School walkway inventory dated June 2, 2008 |
| Exhibit No. 12 | Wetland report by Sewall Wetland Consulting dated November 12, 2007 |
| Exhibit No. 13 | Letter from Glendelle LLC, Re: lot width corrections dated October 23, 2008 |
| Exhibit No. 14 | Appeal of SEPA Determination by Fire District 37 received August 15, 2008 |
| Exhibit No. 15 | Withdrawal of appeal by Fire District 37 dated November 21, 2008 |
| Exhibit No. 16 | Glendelle LLC letter to Kim Claussen dated December 2, 2008, Re: withdrawal of appeal |
| Exhibit No. 17 | Conceptual drainage plan received July 8, 2008 |